

No. PD-0556-20

IN THE COURT OF CRIMINAL APPEALS OF TEXAS

FILED
COURT OF CRIMINAL APPEALS
10/5/2021
DEANA WILLIAMSON, CLERK

THE STATE OF TEXAS

Petitioner (Appellee in the Court of Appeals)

v.

PHI VAN DO

Respondent (Appellant in the Court of Appeals)

On Review from No. 14-18-00600-CR
in which the Fourteenth District Court of Appeals
considered Cause Number 2130699
from County Criminal Court at Law No. 10
Harris County, Texas
Hon. Dan Spjut, Judge Presiding

**RESPONDENT'S MOTION FOR EXTENSION OF TIME TO FILE
MOTION FOR REHEARING**

Respondent, Phi Van Do, by and through his counsel, assistant public defender Ted Wood, advances this motion for an extension of time to file a motion for rehearing. Mr. Do asks for an additional 15 days to file his motion for rehearing. In support of this motion, and consistent with Tex. R. App. P. 10.5(b)(1), Mr. Do presents the following statements:

(1) This Court issued a majority opinion in this case on September 29, 2021.

Two separate concurring opinions and two separate dissenting opinions were also filed on the same date.

(2) The deadline for Mr. Do to file a motion for rehearing in this Court is October 14, 2021. *See* Tex. R. App. P. 79.1 (motion for rehearing must be filed within 15 days after motion for rehearing was overruled).

(3) Respondent's counsel is making a CLE presentation to the Harris County criminal defense bar on new legislation on October 7, 2021. He is diligently preparing to make this presentation.

(4) Respondent's Counsel has an October 13, 2021 deadline to file a petition for discretionary review (PDR) in the case of *Gardezi v. State*, No. 14-18-00077-CR, 2021 WL 3576693 (Tex. App.—Houston [14th Dist.] March 16, 2021, no pet. h.) (mem. op., not designated for publication). Counsel was assigned to handle this PDR on September 30, 2021. Counsel is currently in the middle of writing the PDR.

(5) The foregoing responsibilities will make it difficult for Respondent's counsel to write a quality motion for rehearing in the current case by the current deadline.

(6) This request for an extension is not made to delay the proceedings, but rather is made to ensure that Mr. Do receives high-quality appellate representation.

MR. DO PRAYS that this Court grant his request for an extension of time to file a motion for rehearing until October 29, 2021.

Respectfully submitted,

ALEXANDER BUNIN
Chief Public Defender
Harris County, Texas

/s/ Ted Wood

TED WOOD
Assistant Public Defender
Harris County, Texas
State Bar of Texas No. 21907800
1201 Franklin, 13th Floor
Houston, Texas 77002
Phone: (713) 274-6705
Fax: (713) 368-9278
ted.wood@pdo.hctx.net

Counsel for Respondent

CERTIFICATE OF SERVICE

Pursuant to Tex. R. App. P. 9.5, undersigned counsel certifies that on October 4, 2021, a copy of this motion was provided to the Harris County District Attorney via the EFILETEXAS.gov e-filing system. The motion has been directed to Mr. Clint Morgan, Assistant Harris County District Attorney. Additionally, a copy of this motion was directed to Stacey Soule, the State Prosecuting Attorney

/s/ Ted Wood

Ted Wood

Assistant Public Defender

Counsel for Respondent

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Ashley Davila on behalf of Ted Wood
Bar No. 21907800
Ashley.Davila@pdo.hctx.net
Envelope ID: 57833386
Status as of 10/5/2021 12:44 PM CST

Associated Case Party: State of Texas

Name	BarNumber	Email	TimestampSubmitted	Status
Clint Morgan		morgan_clinton@dao.hctx.net	10/4/2021 10:27:41 AM	SENT

Associated Case Party: Phi Do

Name	BarNumber	Email	TimestampSubmitted	Status
Ted Wood		ted.wood@pdo.hctx.net	10/4/2021 10:27:41 AM	SENT

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Stacey Soule		information@spa.texas.gov	10/4/2021 10:27:41 AM	SENT